

DEPARTMENT OF INDUSTRIAL RELATIONS  
OFFICE OF THE DIRECTOR  
P. O. Box 420603  
San Francisco, CA 94142  
(510)286-7100



DATE: November 4, 2005

TO: All Insurers Authorized to Transact Workers' Compensation in California

FROM: John M. Rea, Acting Director, Department of Industrial Relations

SUBJECT: Fiscal Year 2005/06 Workers' Compensation Administration Revolving Fund Assessment;  
Uninsured Employers Benefits Trust Fund Assessment;  
Subsequent Injuries Benefits Trust Fund Assessment; and  
Workers' Compensation Fraud Account Assessment

Labor Code Sections 62.5 and 62.6 authorize the Department of Industrial Relations to assess employers for the costs of the administration of the workers' compensation program. Previously, this assessment limited the employer share to 20 percent of the total program cost. The major workers' compensation reform in Senate Bill 899 (2004) contained provisions to increase the employer share to 100 percent. This increased the total amount of the assessment, but will provide a stable funding source to allow the courts to resolve claims more quickly and improve the overall operation of the system.

Labor Code Sections 62.5 and 62.6 require allocation of the four assessment types between insured and self-insured employers in proportion to payroll for the most recent year available. Enclosed with this letter is an invoice for assessments for your company's (or companies') share of the following total assessments and a document showing the methodology used to compute the assessment amounts and the resulting determination of the respective assessment/surcharge factors. The factors are applied to the premium amount as described in the following sections of this letter.

Authority	Type	Total Assessment for all Payers	2006 Factors Applied to Premium
Labor Code § 62.5	Workers' Compensation Administration Revolving Fund Assessment (WCARF)	\$193,661,250	0.003935
Labor Code § 62.5	Uninsured Employers Benefits Trust Fund Assessment (UEBTF)	\$44,009,333	0.000812
Labor Code § 62.5	Subsequent Injuries Benefits Trust Fund Assessment (SIBTF)	\$14,575,583	0.000356
Labor Code § 62.6	Workers' Compensation Fraud Account Assessment (FRAUD)	\$37,672,254	0.000844

The total assessment is calculated on the basis of the direct workers' compensation premiums reported to the Department of Insurance for Calendar Year 2004 by you or your group of carriers. Your first installment is due on or before January 1, 2006, with the balance due on or before April 1, 2006.

Assessment Methodology for Single Carriers

If you were a single carrier and not part of an insurer group who reported data to the WCIRB on an individual company basis for 2004, your Total California Direct Written Premium for assessment purposes is the amount reported for calendar year 2004 to the WCIRB, which reflects the premiums charged to policyholders with the exception that it excludes the impact of deductible credits, retrospective rating adjustments, and policyholder dividends.

Assessment Methodology for Insurer Groups

If you were part of an insurer reporting group who reported data to the WCIRB for 2004, your Total California Direct Written Premium for assessment purposes has been determined as the product of (a) the total 2004 written premium reported to the WCIRB on the aforementioned basis and (b) the ratio of your company's 2004 California written premium as reported in the 2004 Statutory Annual Statement (these amounts include the effect of deductible credits and retrospective rating adjustments) to the total 2004 Statutory Annual Statement of California written premium reported for your insurer group as a whole.

HOW YOUR ASSESSMENT AMOUNTS WERE CALCULATED:

WCARF ASSESSMENT (Section 5.1 of attached Methodology):

$$(0.955124882 * \text{X 2004 Total California Direct Written Premium}) \text{ X } 0.003935$$

UEBTF ASSESSMENT (Section 5.3 of attached Methodology):

$$(0.955124882 * \text{X 2004 Total California Direct Written Premium}) \text{ X } 0.000812$$

SIBTF ASSESSMENT (Section 5.5 of attached Methodology):

$$(0.955124882 * \text{X 2004 Total California Direct Written Premium}) \text{ X } 0.000356$$

FRAUD ASSESSMENT (Section 5.7 of attached Methodology):

$$(0.955124882 * \text{X 2004 Total California Direct Written Premium}) \text{ X } 0.000844$$

\* Ratio of the expected total 2005 premium to the 2004 Total Direct Written Premium of all insurers  $(\$22,600,000,000) \div (\$23,661,827,296) = 0.955124882$

REQUIRED EMPLOYER ASSESSMENTS

All workers' compensation insurance policies you issue with an inception date during the calendar year 2006 must be assessed to recover amounts advanced on behalf of policyholders. Assessable Premium is the premium the insured is charged after all rating adjustments (experience rating, schedule rating, premium discounts, expense constants, retrospective rating, etc.) except for adjustments resulting from the application of deductible plans or the return of policyholder dividends.

The assessment factors to be applied to the estimated annual assessable premium for 2006 policies are shown in the table on the first page. These are the same factors that were used to calculate your attached assessment.

If you have any questions relating to this assessment, please contact Amadeo F. Urbano, Jr., Manager, at (510)286-7083 or Naomi P. Carter, Analyst at (510)286-7087 in the Division of Workers' Compensation, Department of Industrial Relations.

Enclosures

California Department of Industrial Relations  
2005-2006 Workers' Compensation Administration Revolving Fund Assessment,  
Uninsured Employers Benefits Trust Fund Assessment,  
Subsequent Injuries Benefits Trust Fund Assessment and  
Workers' Compensation Fraud Account Assessment

## METHODOLOGY

Labor Code Sections 62.5 and 62.6 require the Department of Industrial Relations to levy the total amounts of the Workers' Compensation Administration Revolving Fund Assessment, Uninsured Employers Benefits Trust Fund Assessment, Subsequent Injuries Trust Fund Assessment and Workers' Compensation Fraud Account Assessment between insured employers and self-insured employers in proportion to payroll paid in the most recent year for which information is available.

### Step 1: Determine Total Assessments Required for 2005-2006

**(1.1) Workers' Compensation Administration Revolving Fund Assessment (Labor Code § 62.5) \$130,119,302**

Total Assessment Required.....	\$193,661,250
Fund Balance.....	(\$71,454,000)
DWC & SIP 0405 Overcollections.....	<u>\$7,912,052</u>
	<b>\$130,119,302</b>

**(1.2) Uninsured Employers Benefits Trust Fund Assessment (Labor Code § 62.5)..... \$25,770,702**

Total Assessment Required.....	\$44,009,333
Fund Balance.....	(\$18,272,000)
DWC & SIP 0405 Overcollections.....	<u>\$33,369</u>
	<b>\$25,770,702</b>

**(1.3) Subsequent Injuries Benefits Trust Fund Assessment (Labor Code § 62.5)..... \$11,405,461**

Total Assessment Required.....	\$14,575,583
Fund Balance.....	(\$3,230,000)
DWC & SIP 0405 Overcollections.....	<u>\$59,878</u>
	<b>\$11,405,461</b>

**(1.4) Workers' Compensation Fraud Account Assessment (Labor Code § 62.6)..... \$27,570,082**

*The workers' compensation fraud account assessment is established by the Department of Insurance, Fraud Commission.*

Total Assessment Required.....	\$37,672,254
Fund Balance.....	(\$20,231,147)
DWC & SIP 0405 Overcollections.....	<u>\$10,128,975</u>
	<b>\$27,570,082</b>

### Step 2: Determine Payroll Amounts

**(2.1) Total payroll for insured employers..... \$371,314,720,047**

*Source: California Workers' Compensation Insurance Rating Bureau (WCIRB) policy year 2002*

**(2.2) Payroll for self-insured employers ..... \$147,174,655,966 <sup>1</sup>**

**(2.2.1) 2003-04 Fiscal Year for Public Sector \* ..... \$70,195,065,826**

**(2.2.2) 2004 for Private Sector..... \$76,979,590,140**

*\* Source: Department of Industrial Relations, Office of Self-Insurance Plans (excludes State of California)*

**(2.3) Payroll for State of California (including SCIF)\*\*..... \$11,512,722,532**

*\*\*Source: (Department of Personnel Administration, Fiscal Year 2004-05)*

**(2.4) Total payroll for self-insured employers..... \$159,094,446,302 <sup>2</sup>**

**(2.5) Total combined payroll..... \$530,409,166,349 <sup>3</sup>**

*(Insured and self-insured employers)*

**California Department of Industrial Relations**  
**2005-2006 Workers' Compensation Administration Revolving Fund Assessment,**  
**Uninsured Employers Benefits Trust Fund Assessment,**  
**Subsequent Injuries Benefits Trust Fund Assessment and**  
**Workers' Compensation Fraud Account Assessment**

**Step 3: Calculate Proportional Payroll for Insured and Self-Insured Employers**

**(3.1) Insured Employers:**

$$\frac{\text{Insured Employer Payroll}}{\text{Total Combined Payroll}} = \frac{\text{Methodology Section (2.1)}}{\text{Methodology Section (2.5)}} = \frac{\$371,314,720.047}{\$530,409,166,349} = \underline{\underline{70.01\%}}$$

**(3.2) Self-Insured Employers:**

$$\frac{\text{Self-Insured Employer Payroll}}{\text{Total Combined Payroll}} = \frac{\text{Methodology Section (2.4)}}{\text{Methodology Section (2.5)}} = \frac{\$159,094,446.302}{\$530,409,166,349} = \underline{\underline{29.99\%}}$$

<sup>1</sup> **(2.2) Payroll for Self-Insured Employers** =  $\Sigma$  of Methodology Section (2.2.1) and Methodology Section (2.2.2)

<sup>2</sup> **(2.4) Total Payroll for Self-Insured Employers** =  $\Sigma$  of Methodology Section (2.2) and Methodology Section (2.3)

<sup>3</sup> **(2.5) Total Combined Payroll** =  $\Sigma$  of Methodology Section (2.1) and Methodology Section (2.4)

**Step 4: Determine the Total Assessments for Insured and Self-Insured Employers**

**Workers' Compensation Administration Revolving Fund Assessment**

**Calculation for Insured Employers:**

▶ (WCARF Assessment) X 70.01% = \$130,119,302 X 70.01% .....	<b>\$91,096,523</b>
▶ INCREASED by credits due individual insurers which undercollected against previous advances [ CCR § 15609].....	<b>\$4,639,250</b>
▶ DECREASED by insurer overcollection 0405 [pursuant to CCR § 15606(f)].....	<b>(\$6,805,019)</b>
<b>(4.1) Resulting Final Insured Employers Workers' Compensation User Funding Assessment.....</b>	<b><u>\$88,930,754</u></b>

**Calculation for Self-Insured Employers:**

▶ (WCARF Assessment) X 29.99% = \$130,119,302 X 29.99% .....	<b>\$39,022,779</b>
▶ DECREASED by the Self-Insurer overcollection from prior year.....	<b>(\$1,107,033)</b>
<b>(4.2) Resulting Final Self-Insured Employers Workers' Compensation User Funding Assessment.....</b>	<b><u>\$37,915,746</u></b>

**Uninsured Employers Benefits Trust (UEBT) Fund Assessment**

**Calculation for Insured Employers:**

▶ (UEBTF Assessment) X 70.01% = \$25,770,702 X 70.01% .....	<b>\$18,042,069</b>
▶ INCREASED by the Insurer undercollection for 0405 [pursuant to CCR § 15606(f)].....	<b>\$304,334</b>
<b>(4.3) Resulting Final Insured Employers UEBT Fund Assessment.....</b>	<b><u>\$18,346,403</u></b>

**Calculation for Self-Insured Employers:**

▶ (UEBTF Assessment) X 29.99% = \$25,770,702 X 29.99% .....	<b>\$7,728,634</b>
▶ DECREASED by the Self-Insurer overcollection from prior year.....	<b>(\$196,846)</b>
<b>(4.4) Resulting Final Self-Insured Employers UEBT Fund Assessment.....</b>	<b><u>\$7,531,788</u></b>

**California Department of Industrial Relations  
2005-2006 Workers' Compensation Administration Revolving Fund Assessment,  
Uninsured Employers Benefits Trust Fund Assessment,  
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Workers' Compensation Fraud Account Assessment**

**Subsequent Injuries Benefits Trust (SIBT) Fund Assessment**

**Calculation for Insured Employers:**

▶ (SIBTF Assessment) X 70.01% = \$11,405,461 X 70.01% .....	<b>\$7,984,963</b>
▶ INCREASED by the Insurer undercollection for 0405 [pursuant to CCR § 15606(f)].....	<b>\$51,967</b>
<b>(4.5)</b> Resulting Final Insured Employers SIBT Fund Assessment.....	<b><u>\$8,036,930</u></b>

**Calculation for Self- Insured Employers:**

▶ (SIBTF Assessment) X 29.99% = \$11,405,461 X 29.99% .....	<b>\$3,420,498</b>
▶ DECREASED by the Self-Insurer overcollection from prior year.....	<b>(\$76,488)</b>
<b>(4.6)</b> Resulting Final Self-Insured Employers SIBT Fund Assessment.....	<b><u>\$3,344,010</u></b>

**Workers' Compensation Fraud Account Assessment**

**Calculation for Insured Employers:**

▶ (Fraud Assessment) X 70.01% = \$27,570,082 X 70.01% .....	<b>\$19,301,814</b>
▶ INCREASED by credits due individual insurers which undercollected against previous advances [pursuant to CCR § 15609].....	<b>\$9,582,946</b>
▶ DECREASED by the insurer overcollection 0405 [pursuant to CCR § 15606(f)].....	<b>(\$9,813,605)</b>
<b>(4.7)</b> Resulting Final Insured Employers Workers' Compensation Fraud Account Assessment..	<b><u>\$19,071,155</u></b>

**Calculation for Self- Insured Employers:**

▶ (Fraud Assessment) X 29.99% = \$27,570,082 X 29.99% .....	<b>\$8,268,268</b>
▶ INCREASED by the Self-Insurer undercollection from prior year.....	<b>(\$315,370)</b>
<b>(4.8)</b> Resulting Final Self-Insured Employers Workers' Compensation Fraud Account Assessment.....	<b><u>\$7,952,898</u></b>

**Step 5: Calculate the Assessments Factors**

**Workers' Compensation Administration Revolving Fund Assessment Factor**

**(5.1) Calculation for Insured Employers:**

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation*}} = \frac{\$88,930,754}{\$22,600,000,000} = \underline{\underline{0.003935}}$$

\*Estimated Premium (Source: WCIRB estimate for 2005 Policy Year)

**(5.2) Calculation for Self-Insured Employers:**

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd**}} = \frac{\$37,915,746}{\$2,108,533,089} = \underline{\underline{0.017982}}$$

\*\*SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans (Σ of Methodology Sections (5.2.1) to (5.2.3)):

<b>(5.2.1)</b> 2003-04 Public Sector.....	<b><u>\$948,997,181</u></b>
<b>(5.2.2)</b> 2004 Private Sector.....	<b><u>\$977,997,117</u></b>
<b>(5.2.3)</b> 2004-05 State of California***.....	<b><u>\$181,538,791</u></b>

\*\*\*SOURCE: Department of Personnel Administration

**California Department of Industrial Relations  
2005-2006 Workers' Compensation Administration Revolving Fund Assessment,  
Uninsured Employers Benefits Trust Fund Assessment,  
Subsequent Injuries Benefits Trust Fund Assessment and  
Workers' Compensation Fraud Account Assessment**

**Uninsured Employers Benefits Trust (UEBT) Fund Assessment Factor**

**(5.3) Calculation for Insured Employers:**

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$18,346,403}{\$22,600,000,000} = \underline{0.000812}$$

\*Estimated Premium (Source: WCIRB estimate for 2005 Policy Year)

**(5.4) Calculation for Self-Insured Employers:**

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd}^{**}} = \frac{\$7,531,788}{\$2,108,533,089} = \underline{0.003572}$$

\*\*SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans [Σ of Methodology Sections (5.4.1) to (5.4.3)]:

(5.4.1)	2003-04 Public Sector.....	<b>\$948,997,181</b>
(5.4.2)	2004 Private Sector.....	<b>\$977,997,117</b>
(5.4.3)	2004-05 State of California***	<b>\$181,538,791</b>

\*\*\*SOURCE: Department of Personnel Administration

**Subsequent Injuries Benefits Trust (SIBT) Fund Assessment Factor**

**(5.5) Calculation for Insured Employers:**

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$8,036,930}{\$22,600,000,000} = \underline{0.000356}$$

\*Estimated Premium (Source: WCIRB estimate for 2005 Policy Year)

**(5.6) Calculation for Self-Insured Employers:**

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd}^{**}} = \frac{\$3,344,010}{\$2,108,533,089} = \underline{0.001586}$$

\*\*SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans [Σ of Methodology Sections (5.6.1) to (5.6.3)]:

(5.6.1)	2003-04 Public Sector.....	<b>\$948,997,181</b>
(5.6.2)	2004 Private Sector.....	<b>\$977,997,117</b>
(5.6.3)	2004-05 State of California***	<b>\$181,538,791</b>

\*\*\*SOURCE: Department of Personnel Administration

**Workers' Compensation Fraud Account Assessment Factor**

**(5.7) Calculation for Insured Employers:**

$$\frac{\text{Total Insured Employer Surcharge}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$19,071,155}{\$22,600,000,000} = \underline{0.000844}$$

\*Estimated Premium (Source: WCIRB estimate for 2005 Policy Year)

**(5.8) Calculation for Self-Insured Employers:**

$$\frac{\text{Total Self-Insured Employer Surcharge}}{\text{Total Amt. of Workers' Comp. Indemnity Pd}^{**}} = \frac{\$7,952,898}{\$2,108,533,089} = \underline{0.003772}$$

\*\*SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans [Σ of Methodology Sections (5.8.1) to (5.8.3)]:

(5.8.1)	2003-04 Public Sector.....	<b>\$948,997,181</b>
(5.8.2)	2004 Private Sector.....	<b>\$977,997,117</b>
(5.8.3)	2004-05 State of California***	<b>\$181,538,791</b>

\*\*\*SOURCE: Department of Personnel Administration

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2005-2006 Workers' Compensation Administration Revolving Fund Assessment,  
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**Step 6: Determine Individual Employer's Workers' Compensation  
Administration Revolving Fund Assessment**

**(6.1) Individual Insured Employers:**

**Assessment Factor [ 0.003935 ] X Employer's Expected Assessable Premium\***

**(6.2) Calculation for Individual Self-Insured Employers:**

**Assessment Factor [ 0.017982 ] X Total Indemnity Paid by the Employer**

**Step 7: Determine Individual Employers Uninsured Employers Benefits  
Trust (UEBT) Funding Assessment**

**(7.1) Individual Insured Employers:**

**Assessment Factor [ 0.000812 ] X Employer's Expected Assessable Premium\***

**(7.2) Calculation for Individual Self-Insured Employers:**

**Assessment Factor [ 0.003572 ] X Total Indemnity Paid by the Employer**

**Step 8: Determine Individual Employers Subsequent Injuries Benefit Trust  
(SIBT) Funding Assessment**

**(8.1) Individual Insured Employers:**

**Assessment Factor [ 0.000356 ] X Employer's Expected Assessable Premium\***

**(8.2) Calculation for Individual Self-Insured Employers:**

**Assessment Factor [ 0.001586 ] X Total Indemnity Paid by the Employer**

**Step 9: Determine Individual Employer's Workers' Compensation  
Fraud Account Assessment**

**(9.1) Individual Insured Employers:**

**Assessment Factor [ 0.000844 ] X Employer's Expected Assessable Premium\***

**(9.2) Calculation for Individual Self-Insured Employers:**

**Assessment Factor [ 0.003772 ] X Total Indemnity Paid by the Employer**

**\* Assessable Premium**

*The premium the insured is charged after all rating adjustments (experience rating, schedule rating, premium discounts, expense constants, retrospective rating, etc.) except for adjustments resulting from the application of deductible plans or the return policyholder dividends.*



DEPARTMENT OF INDUSTRIAL RELATIONS  
OFFICE OF THE DIRECTOR  
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San Francisco, CA 94142  
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DATE: November 4, 2005

TO: California Legally Uninsured Employer

FROM: John M. Rea, Acting Director, Department of Industrial Relations

SUBJECT: Fiscal Year 2005/06 Workers' Compensation Administration Revolving Fund Assessment;  
Uninsured Employers Benefits Trust Fund Assessment;  
Subsequent Injuries Benefits Trust Fund Assessment; and  
Workers' Compensation Fraud Account Assessment

Labor Code Sections 62.5 and 62.6 authorize the Department of Industrial Relations to assess employers for the costs of the administration of the workers' compensation program. Previously, this assessment limited the employer share to 20 percent of the total program cost. The major workers' compensation reform in Senate Bill 899 (2004) contained provisions to increase the employer share to 100 percent. This increased the total amount of the assessment, but will provide a stable funding source to allow the courts to resolve claims more quickly and improve the overall operation of the system.

The purpose of this letter is to inform you that you will be receiving an invoice for your share of the assessments authorized by Labor Code Sections 62.5 and 62.6. The Labor Code requires allocation of the total assessment between insured and self-insured employers in proportion to payroll for the most recent year available.

Authority	Type	Total Assessment for all Payers	Legally Uninsured Employer Assessment Factor
Labor Code § 62.5	Workers' Compensation Administration Revolving Fund Assessment (WCARF)	\$193,661,250	0.017982
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Labor Code § 62.5	Subsequent Injuries Benefits Trust Fund Assessment (SIBTF)	\$14,575,583	0.001586
Labor Code § 62.6	Workers' Compensation Fraud Account Assessment (FRAUD)	\$37,672,254	0.003772

Attached is a worksheet detailing the methodology used to compute the Workers' Compensation Administration Revolving Fund, Uninsured Employers Benefits Trust Fund, Subsequent Injuries Trust Fund allocation and Workers' Compensation Fraud Account Assessment and to allocate the assessment between insured and self-insured employers.

Your share of the various assessments will be calculated by multiplying the self insured employer assessment factors for each assessment by the total indemnity paid by your organization.

If you have any questions, please contact Mark Johnson, Manager at (916) 483-3392 extension 3006 or Tina Freese, Analyst at (916) 483-3392 extension 3007 in the Self-Insurance Plans office in Sacramento.

Enclosure

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